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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
EUGENE DIVISION

WATERWATCH OF OREGON, PACIFIC)	
COAST FEDERATION OF FISHERMEN'S)	Case No. 3:20-cv-01927-IM
ASSOCIATIONS, INSITUTE FOR FISHERIES)	
RESOURCES, and STEAMBOATERS,)	
Plaintiffs,)	PLAINTIFFS' UNOPPOSED MOTION
)	FOR PARTIAL VOLUNTARY
v.)	DISMISSAL AND MEMORANDUM
)	
WINCHESTER WATER CONTROL)	
DISTRICT,)	
)	
Defendant.)	
_____)	

MOTION

Plaintiffs hereby move the Court for Voluntary Dismissal of Count II and Request for Relief subpart D of the Complaint herein ("Motion"). Pursuant to Local Rule 7-1, plaintiffs have discussed this Motion with counsel for the defendant and this Motion is **unopposed**.

MEMORANDUM

Count II and Request for Relief subpart D concern a civil penalty remedy under the Endangered Species Act, 16 U.S.C. §1540. Plaintiffs have determined that they do not desire to seek the remedy of civil penalties in this litigation primarily as doing so does not serve the primary concern and injury for which plaintiffs seek redress, which is the Winchester dam and fish ladder that plaintiffs claim is causing harm to listed species. Dismissal of these portions of the Complaint will allow the parties and the Court to conserve resources by more narrowly focusing their attention on matters directly related to the dam and the species at issue.

Therefore, plaintiffs seek voluntary dismissal of Count II and Request for Relief subpart D of their Complaint. Plaintiffs have discussed voluntary dismissal of those portions of the Complaint with counsel for the defendant. The defendant does not oppose voluntary dismissal of Count II and Request for Relief subpart D of the Complaint in this matter.

CONCLUSION

Plaintiffs request an Order from this Court approving voluntary dismissal of Count II and Request for Relief subpart D of the Complaint in this matter.

Respectfully submitted this 26th day of January, 2021.

s/ Janette K. Brimmer

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CERTIFICATE OF COMPLIANCE

This brief complies with the applicable word-count limitation under LR 7-2(b), 26-3(b), 54-1(c), or 54-3(e) because it contains 241 words, including headings, footnotes, and quotations, but excluding the caption, table of contents, table of cases and authorities, signature block, exhibits, and any certificates of counsel.

Dated this 26th day of January, 2021.

s/ Janette K. Brimmer

JANETTE K. BRIMMER (WSB #41271)

CERTIFICATE OF SERVICE

I hereby certify that on January 26, 2021, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of this filing to the attorneys of record and all registered participants.

Dated: January 26, 2021

s/ Janette K. Brimmer

JANETTE K. BRIMMER (WSB #41271)